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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/941,495      | 08/29/2001  | Chad A. Cobbley      | 150.0072 0103       | 7146             |

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| EXAMINER |
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NILAND, PATRICK DENNIS

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| ART UNIT | PAPER NUMBER |
|----------|--------------|

1714

DATE MAILED: 05/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                               |                                |  |
|------------------------------|-------------------------------|--------------------------------|--|
| <b>Office Action Summary</b> | Application No.<br>09/941,495 | Applicant(s)<br>COBBLEY ET AL. |  |
|                              | Examiner<br>Patrick D. Niland | Art Unit<br>1714               |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 15, 16, 18-21 and 83-92 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19-21 and 88-92 is/are allowed.
- 6) ☒ Claim(s) 15-16 and 83-87 is/are rejected.
- 7) ☒ Claim(s) 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other:  |

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The amendment of 2/20/03 has been entered. Claims 15-16, 18-21, and 83-92 are pending.

1. Claims 15-16, 18-21, and 83-92 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A. It is unclear what is meant by “at least one optional” of the instant claims. Do the claims require “at least one” of the recited ingredients or are they all “optional”, i.e. not required.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 15-16 and 83-87 are rejected under 35 U.S.C. 102(b) as being anticipated by US

Pat. No. 4837260 Sato et al..

Sato et al. discloses a cyanoacrylate adhesive of instant curing time and having a thixotropic coefficient within that of the instant claims. See the abstract; column 1, lines 5-17; column 3, lines 1-25; column 5, lines 43-68; column 6, lines 1-68; column 7, lines 1-35, particularly 1-4; and the

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remainder of the document. Since the cyanoacrylate is that of the instant claims it is expected to inherently have the instantly claimed thermal degradation temperature. Instantly curing is within the instantly claimed times of cure. The cured composition will not flow and therefore the instantly curing adhesive of the prior art will meet the instantly claimed non flowing times. This adhesive continues to be an anaerobic acrylic adhesive.

5. Claims 15-16 and 83-87 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. No. 4837260 Sato et al..

Sato et al. discloses a cyanoacrylate adhesive of instant curing time and having a thixotropic coefficient within that of the instant claims. See the abstract; column 1, lines 5-17; column 3, lines 1-25; column 5, lines 43-68; column 6, lines 1-68; column 7, lines 1-35, particularly 1-4; and the remainder of the document. Since the cyanoacrylate is that of the instant claims it is expected to inherently have the instantly claimed thermal degradation temperature. Instantly curing is within the instantly claimed times of cure. The cured composition will not flow and therefore the instantly curing adhesive of the prior art will meet the instantly claimed non flowing times. It would have been obvious to one of ordinary skill in the art at the time of the instant invention to use the instantly claimed thixotropic index and other claimed parameters in the adhesive of the prior art because the instantly claimed parameters are encompassed by the terms used in the prior art and it would have been within the ability of the ordinary skilled artisan to choose such parameters as desired to meet the requirements of a particular application. This adhesive continues to be an anaerobic acrylic adhesive.

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6. Claims 19-21 and 88-92 are allowable over the prior art considered.
7. Claim 18 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick Niland whose telephone number is (703) 308-3510. The examiner can normally be reached on Monday to Friday from 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,